

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-mj-8408-WM

UNITED STATES OF AMERICA

v.

JOSEPH ROBERT STEWART,

Defendant

/

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:

Gregory Schiller

Gregory Schiller
Assistant United States Attorney
FL Bar No. 0648477
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401
Tel: 561-820-8711
Email: gregory.schiller@usdoj.gov

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

FILED BY SW D.C.

Aug 15, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - WPB

United States of America)
v.)
JOSEPH ROBERT STEWART) Case No. 23-mj-8408-WM
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2020 to November 2022 in the county of Palm Beach in the
Southern District of Florida and elsewhere, the defendant(s) violated:

Code Section
18 U.S.C. § 2251(d) and (e)

Offense Description
Conspiracy to advertise child pornography

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

Complainant's signature

FBI Special Agent David J. Backlund

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime).

Date: August 15, 2023

Judge's signature

City and state: West Palm Beach, Florida

U.S. Magistrate Judge William Matthewman

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, David J. Backlund, a Special Agent with the Federal Bureau of Investigation (“FBI”) being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since September 2008, and am currently assigned to the FBI’s Child Exploitation Operational Unit within the Criminal Investigative Division. As part of my duties as a Special Agent, I am assigned to investigate violations of federal law, including the online exploitation of children. This includes violations pertaining to the illegal trafficking, production, transmission, possession, and receipt of material depicting the sexual exploitation of minors.

2. I am submitting this affidavit in support of a criminal complaint and arrest warrant for JOSEPH ROBERT STEWART, year of birth: 1979, social security number: XXX-XX-8734. I submit there is probable cause to believe that beginning at least in or about October 2020, and continuing through in or about November 2022, in the Southern District of Florida and elsewhere, STEWART conspired with others to advertise child pornography in violation of 18 U.S.C. § 2251(d) and (e). The term “child pornography,” as used in this affidavit, refers to the definition set forth in 18 U.S.C. § 2256(8)(A).

3. Title 18 U.S.C. § 2251(d) and (e) prohibit any person from conspiring to knowingly make, print, or publish, or cause to be made, printed or published, any notice or advertisement seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, when such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any

means including by computer, or when such notice or advertisement was transported using any means or facility of interstate or foreign commerce or in or affecting interstate commerce by any means including computer. Here, I submit that there is probable cause that MARTIN violated 18 U.S.C. § 2251(d) and (e) because, as described more fully below, he was a staff member and facilitator of a website that was dedicated to the advertisement, distribution, and exchange of child pornography, and on which, in accordance with the rules of the website, users advertised and distributed child pornography via notices and advertisements in the form of URL links and descriptive text.

4. The statements contained in this affidavit are based in part on information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Since this affidavit is being submitted for the purpose of securing a Criminal Complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe STEWART has violated 18 U.S.C. § 2251(d) and (e).

5. The FBI is investigating a website (hereinafter referred to as the “TARGET WEBSITE”) that allowed users to engage in online communications with other users. Users of the TARGET WEBSITE trafficked in child pornography images and videos via the posting of web links within messages. These links allowed a user to navigate to another website, such as a file-hosting website where images and/or videos were stored, in order to download these images and

videos. When posting the links, users of the TARGET WEBSITE also generally included descriptive text that provided information about the sexual acts and age and gender of the child victim depicted in the linked-to child pornography files. The TARGET WEBSITE provided rules that instructed users to share child pornography in this manner. The TARGET WEBSITE consisted of at least 100 registered members and more than 10 members who helped manage the website as “staff.” Registered members of the TARGET WEBSITE, and any user with a higher status than registered member, all had their usernames reserved for their exclusive use and needed to access their account through a password chosen by the user. Usernames that were taken by registered members or users of higher status could not be used by any other website user. Until approximately June 2022, a high-ranking administrator of the TARGET WEBSITE resided in Palm Beach County, Florida, within the Southern District of Florida, and advertised child pornography and took acts to help manage the website from his home.

6. The FBI’s investigation has further revealed that another particular user of the TARGET WEBSITE, acting under a particular online alias and referred to here as the “SUBJECT USER,” acted in a position of leadership on the website. According to communications made over the TARGET WEBSITE, the SUBJECT USER attained a rank on TARGET WEBSITE that afforded him the responsibility to moderate the TARGET WEBSITE’s publicly available room. The FBI has determined that the SUBJECT USER had been active on the TARGET WEBSITE from at least October 2020 until the website ceased operating in November 2022.

7. As previously stated, the FBI’s investigation revealed that the SUBJECT USER was promoted to a rank that included the responsibility to moderate the TARGET WEBSITE’s publicly available room. Moderating included muting users, correcting users’ formats and

behavior, and providing advice on earning promotions and avoiding detection by law enforcement.

For example:

- a. On or about March 23, 2021, the SUBJECT USER posted “*Agreed. Extreme needs to be listed. and look at the extreme format :)*,” in response to a user’s incorrect labeling of a post. According to the rules of the TARGET WEBSITE, “extreme” content—such as images or videos depicting torture, rape, or children screaming or crying—needed to be clearly marked as “extreme.”
- b. On or about March 23, 2021, the SUBJECT USER posted “*switch the tags. [teen] [girl] [fuck]*,” in response to a user’s incorrect tagging of a post.
- c. On or about August 16, 2021, the SUBJECT USER noted that a TARGET WEBSITE user was promoted that day, and he instructed other users that “*[if you see them in the [the TARGET WEBSITE’s public room] or [a TARGET WEBSITE members only room] please publicly congratulate them & encourage them to post and chat in the [the TARGET WEBSITE’s public room] & strive towards earning [another promotion] so they can gain access to the rest of [the TARGET WEBSITE] – thanks.*”
- d. On or about December 8, 2021, the SUBJECT USER posted “*btw you last post was perfect! Great job on an Extreme post :)*,” in response to a user’s correctly formatted post.
- e. On or about December 8, 2021, the SUBJECT USER posted “*Welcome back & congratulations again [a TARGET WEBSITE user]! Now that you have earned [a TARGET WEBSITE promotion] your next step is to try to earn your [next level of*

TARGET WEBSITE promotion],” encouraging the user to continue to post in order to earn promotions.

f. On or about December 8, 2021, the SUBJECT USER posted the following advice to all users related to posting and which file hosts—that is, other websites that can store child pornography and be linked to from the TARGET WEBSITE—to use:

“Thanks to all who are contributing content at [the TARGET WEBSITE]. Please keep in mind our preferred video hosts are [list of video hosts].

...

- Never encrypt or password protect videos! The only exception to this is videos larger than 1gb, which may be 7z archived & split, but still do not add a password.*
- Please use an image host with unlimited retention for your previews. such as [image host]*
- If you have any questions, please ask any staff member for assistance”*

8. The FBI’s investigation further revealed that the SUBJECT USER has also shared URL links to child pornography via the TARGET WEBSITE that were accessible to at least 10 other TARGET WEBSITE users. Below are examples of some of the links shared by the SUBJECT USER:

a. On or about December 4, 2021, the SUBJECT USER posted a link tagged “[preteen],” “[girl],” and “[showing],” and the comment “*Changing clothes at a park.*” The link redirected to another website that contained a video more than four minutes long that depicted multiple prepubescent girls, estimated to be between five and nine years of

age, changing into bathing suits in a park. The individual recording them appears to be clandestinely recording them without their knowledge. In multiple instances, the camera focuses and zooms in on the girl's exposed vaginas for significant periods of time. All the girls have young facial and bodily features as well as no noticeable breast development or pubic hair.

- b. On or about December 4, 2021, the SUBJECT USER posted a link tagged “[various ages],” “[girl],” and “[showing],” and the comment “*l3yo and 5yo Buying Shoes.*” The link redirected to another website that contained an almost three minute video depicting two prepubescent females in what appears to be a shoe store, trying on shoes. The individual recording them appears to be clandestinely recording them without their knowledge. In multiple instances the camera focuses on the girl's genital areas when they are sitting with their legs spread. In one of those instances, one of the girls who is estimated to be between three and five years of age sits on the ground with her legs spread while not wearing any underwear. The camera zooms in and focuses on the girl's exposed anus and vagina.
- c. On or about September 7, 2022, the SUBJECT USER posted a link tagged “[preteen],” “[girl],” and “[fuck],” and the comment “*Because of a new phone, this Chinese preteen gave her pussy and ass for it.*” The link redirected to another website that contained a video more than 23 minutes long depicting a prepubescent female estimated to be between five and seven years of age engaging in anal and vaginal sexual intercourse with an adult man. The girl had young facial and bodily features as well as no noticeable breast development or pubic hair.

IDENTIFICATION OF JOSEPH STEWART AS THE SUBJECT USER

9. On or about August 15, 2023, the FBI executed a search warrant at STEWART's residence in Milton, Washington, in the Western District of Washington. During the execution of the search warrant, and after being advised of his rights, STEWART admitted the following:

- a. He was the SUBJECT USER on the TARGET WEBSITE;
- b. He accessed the TARGET WEBSITE nearly every day when it was still active;
- c. He estimated that he began accessing the TARGET WEBSITE in 2021 after being recruited from a different website dedicated to child pornography;
- d. He posted child pornography in multiple rooms on the TARGET WEBSITE, including depictions of children as young as seven years old engaged in sex acts with adults;
- e. He served as a moderator of the TARGET WEBSITE and he moderated at least two rooms on the site, and his duties included enforcing the TARGET WEBSITE's rules, including rules concerning how to post child pornography;
- f. He accessed the TARGET WEBSITE through an iPad in his home that was connected to a server also located in his home;
- g. He also accessed other websites dedicated to child pornography and the discussion of child sexual abuse, and he listed them by name.

10. During the execution of the search warrant, FBI agents discovered an iPad and a large computer server with multiple hard drives at STEWART's home. STEWART identified the iPad as his, and FBI personnel accessed the iPad using a passcode that STEWART provided during the interview. After accessing the iPad, FBI personnel were able to view the following videos:

- a. A video depicting a fully nude prepubescent girl who appears to be approximately 8-10 years old. The girl is depicted sitting down with her legs spread and exposing her naked genitals while she masturbates. The camera zooms in and out to focus on her naked anus and vagina. The girl has no visible breast development, no pubic hair, and young facial and bodily features.
- b. A video depicting a prepubescent girl who appears to be approximately 4-7 years old. In the video, the girl is outdoors and she pulls down her shorts to expose her naked genitals and anus. An adult male uses tweezers to manipulate the girl's labia as the camera zooms in on her naked vagina. The girl has no pubic hair and young bodily features.
- c. A video depicting a fully nude prepubescent girl who appears to be approximately 4-7 years old. In the video, the girl spreads her legs to expose her naked genitals and uses her hands to spread her vagina open while an adult male touches her vagina with a small paintbrush. During the video, the camera zooms in on the girl's exposed genitals. The girl has no pubic hair and young bodily features.

(Continued on the following page.)

CONCLUSION

11. For these reasons, your Affiant respectfully submits that there is probable cause to believe that believe that beginning at least in or about October 2020, and continuing through in or about November 2022, JOSEPH ROBERT STEWART violated 18 U.S.C. § 2251(d) and (e) in the Southern District of Florida and elsewhere. I therefore respectfully request that the Court authorize a Criminal Complaint and Arrest Warrant for JOSEPH ROBERT STEWART.

Respectfully submitted,



David J. Backlund
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me by applicant by telephone (Facetime) per the requirements of Fed. R. Crim. P. 4(d) and 4.1 on this 15th day of August, 2023.



HON. WILLIAM MATTHEWMAN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JOSEPH ROBERT STEWART

Case No: 23-mj-8408-WM

Count #1:

Conspiracy to advertise child pornography

18 U.S.C. § 2251(d) and (e)

* **Max. Term of Imprisonment:** 30 years

* **Mandatory Min. Term of Imprisonment (if applicable):** 15 years

* **Max. Supervised Release:** Life (mandatory minimum term of 5 years)

* **Max. Fine:** \$250,000 fine, special assessment of \$100, \$5,000, and up to \$35,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.